

## SUPPLEMENTAL STATEMENT OF REASONS

To ensure that the state and federal Kinship Guardianship Assistant Payment (Kin-GAP) statutory requirements are fully met the California Department of Social Services (CDSS) has instituted additional changes to these proposed regulations, which are discussed below. Additionally, all changes made to these proposed regulations have been done to adequately address the State's necessity and clarity regulatory standards.

### Sections 45-602.21

The Kin-GAP Program requires that a youth be placed in an eligible facility and in order to meet this eligible facility provision the home of the relative legal guardian must be approved. Statute does not address, whether in the Kin-GAP Program, if county staff must annually reassess the approved home of a relative legal guardian. This regulation is necessary to establish that such an annual reassessment does not need to be completed in the Kin-GAP Program.

### Sections 45-602.211

Due to redundancy and lack of necessity this regulation has been removed and combined with Section 45-602.21.

### Section 45-602.51

In order to assess whether the youth meets the Kin-GAP property eligibility requirement it is important that only the youth's property is reviewed. Statute does not identify if it is the Kin-GAP guardian's or youth's property that must be reviewed when determining if the property eligibility requirement has been met. This regulation is necessary because it will establish that it is the youth who is the recipient, and clarify as the recipient only the child's property is relevant.

### Section 45-604.1

In response to the Office of Administrative Law's (OAL) review, this section has been amended to clarify all of the eligibility requirements specific to the federal Kin-GAP Program.

### Section 45-604.4

In response to OAL's review, this section has been amended to further clarify the term "appropriate" by identifying factors to consider when determining if a sibling arrangement is appropriate.

#### Section 45-604.5

The federal Kin-GAP Program requires that the youth was eligible for the federal foster care program prior to entering federal Kin-GAP. There currently is no statute or regulation requirement that counties retain documents which identify that the youth met the "eligible for federal foster care" requirement. This section is necessary to outline the child welfare services documentation that must be reviewed in order to establish a "federal foster care eligibility" verification process and ensure that it's administered consistently statewide.

#### Section 45-605.1

In response to OAL's review, this section has been amended to clarify all of the eligibility requirements specific to the state Kin-GAP Program.

#### Section 45-605.51

The State Kin-GAP Program statute does not address with specificity how the subsequent guardian placement requirement must be applied in the State Kin-GAP Program. This regulation is necessary for consistency and uniformity with how the subsequent guardian placement process is administered in the State Kin-GAP Program. This regulation is also necessary to clarify that a subsequent guardian need not have been named in the initial Kin-GAP agreement for eligibility under the State Kin-GAP Program.

#### Section 45-606.11

Kin-GAP statute does not identify when the mutual agreement must be signed by the youth and county staff for extended Kin-GAP benefits. This regulation is necessary to enable a Kin-GAP eligible youth to receive Kin-GAP benefits beyond his/her 18th birthday by establishing specifically when the mutual agreement must be signed by the youth and county staff.

#### Section 45-607.2

The Kin-GAP statute does not address with specificity the specific events which require suspension of the Kin-GAP payment. This regulation is necessary to establish the specific circumstances under which the Kin-GAP payment shall be suspended as opposed to terminated.

#### Section 45-607.31

Statute or regulation does not specify the time period for computation of the Kin-GAP payment or any adjustments thereto. This regulation is necessary to establish that any adjustments to the Kin-GAP payment shall be computed based on known or estimated income in the current calendar month.

#### Section 45-607.7

Statute does not address the specific type of income that must be offset against the Kin-GAP payment when determining income eligibility for the Kin-GAP Program. This regulation is necessary to establish the specific types of income that must be offset in the Kin-GAP Program.

#### Section 45-607.8

Statute does not address with specificity when the Kin-GAP payment must continue or terminate once a Welfare & Institutions (W&I) Code 388 petition is filed. This regulation is necessary to establish Kin-GAP payment guidelines once a petition pursuant to W&I Code 388 petition is filed.

#### Section 45-607.43

In response to OAL's review, this section has been amended to add the date of a specific event to further clarify the last date of payment in the Kin-GAP Program.